



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

PRICE DANIEL
ATTORNEY GENERAL

January 25, 1952

Hon. Geo. W. Cox, M.D. Opinion No. V-1392
State Health Officer
State Health Dept.
Austin, Texas

Re: Applicability of the
Texas Bedding Act to
veterans training
schools engaged in
renovating sofa beds
for the public.

Dear Dr. Cox:

Your request for an opinion relates to the application of the Texas Bedding Act (Art. 4476a, V.C.S.) to vocational schools engaged in renovating sofa beds for the public. You state that veterans training schools are financed with federal funds and administered through the Central Education Agency. These trade schools are engaged in training veterans to upholster furniture and no labor charge is made to the public.

It is to be noted that Section 11 of the Act provides "that the provisions of this Act shall apply to all bedding manufactured, repaired, renovated and/or sold after the effective date hereof."

The fact that the Legislature intended the Act to apply to all bedding is evidenced by Senate Bill 268, Acts 48th Leg., R.S. 1943, ch. 172, p. 273, wherein bedding sold to the United States for war purposes was made exempt, but only until the cessation of hostilities.

The purpose of the Texas Bedding Act was to insure the protection of the public health. Article 4476a, V.C.S., provides in part:

"Section 1. (a) The term 'bedding, as used in this Act shall mean mattresses, mattress pads, mattress protectors, pillows, bolsters, feather beds, quilts, comfortables, sofa beds, studio couches, box springs and other filled bedding of any description.

". . .

"Sec. 2. (a) No person shall manufacture, repair, renovate or sell, or have in his possession with intent to sell, any article of bedding, unless there is securely attached, where clearly visible, a substantial white cloth tag as provided in this Act. All tags required by this Section shall be attached at the factory.

" . . .

"(c) Bedding manufactured in whole or in part from secondhand material shall have securely attached a tag not less than thirty-two (32) square inches in size upon which shall be plainly printed in red ink, in the English language, the statement 'Secondhand Material' in lettering not less than one-half (1/2) inch in height and the manufacturer's permit number, assigned by the Department. The provisions of this Paragraph (c) of Section 2 are not intended to apply to bedding re-worked, repaired or renovated for the owner for his own use.

"(d) Bedding renovated, re-worked or repaired for the owner for his own use from material which is in whole or in part secondhand shall have attached a tag not less than six (6) square inches in size, upon which shall be plainly printed in black ink, in the English language, the statement 'Not for Sale, Owner's Own Material which is Secondhand Material' in lettering not less than one-eighth (1/8) inch in height; the name and address of the owner; and the manufacturer's permit number assigned by the Department."

Section 7(a) of the above-quoted Article provides:

"No person shall manufacture, renovate, sell or lease or have in his possession with intent to sell or lease in the State of Texas, any bedding covered by the provisions of this Act, unless there be affixed to the tag required by this Act by the person manufacturing, renovating, selling or leasing the same, an adhesive stamp prepared and issued by this Department."

Thus it will be seen that the Legislature, in the enactment of the Texas Bedding Act, provided in plain and unambiguous language that its provisions should apply to all bedding manufactured, repaired and renovated. No exemption is provided for trade schools.

We agree with your conclusion that veterans training schools are subject to the provisions of the Texas Bedding Act.

SUMMARY

Veterans training schools, financed with federal funds and administered by the Central Education Agency and which are engaged in training veterans to upholster furniture, are subject to the provisions of the Texas Bedding Act. Art. 4476a, V.C.S.

Yours very truly,

APPROVED:


J. C. Davis, Jr.
County Affairs Division

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BW:mh

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Attorney General

By, 
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